

# Office of the State Public Defender

## Administrative Policies

Subject: <b>Conflict Cases</b>	Policy No.: <b>116</b>
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### 1.0 POLICY

The ~~Office of the State Public Defender (OPD)~~ Public Defender Commission (PDC) has established the following procedures to ensure that when a case that is assigned to the office presents a conflict of interest for a public defender, the conflict is identified and handled appropriately and ethically.

### 2.0 PROCEDURE

**2.1** When a case is determined to be a conflict of interest, the Regional Deputy Public Defender shall refer the case to the Conflict Coordinator. The Conflict Coordinator shall assign the case to a contract attorney whose name is maintained on the conflict attorney list or to a public defender employed outside his/her region. The Conflict Coordinator shall assign the case based on the nature of the case and the appointed attorney's qualifications and caseload.

**2.2** The conflict attorney shall submit bills for the payment of attorney time to the ~~Contract Manager~~ Conflict Coordinator. In reviewing bills, the ~~Contract Manager~~ Conflict Coordinator shall:

**2.2.1** Review the total hours of work claimed;

**2.2.2** Review the work expended without reference to the charge or the parties involved;

**2.2.3** Review any costs claimed, referencing any pre-approval requirements.

**2.3** Costs, other than attorney fees, expected to be incurred by a conflict attorney, which exceed \$200, will be pre-approved by the ~~Training Coordinator~~ Conflict Coordinator.

**2.3.1** In determining the disposition of the pre-approval request, the ~~Training Coordinator~~ Conflict Coordinator will not disclose any information about the case to the Regional Deputy Public Defender, Contract Manager or the Chief Public Defender.

**2.3.2** The review of requests for pre-approval of costs shall, in most cases, only investigate whether other options are available that are more cost-effective and just as good.

**2.3.3** For pre-approval of costs that are extraordinary or questionable, the ~~Training Coordinator~~ Conflict Coordinator may ask the Public Defender Commission's Contracts Process and Approvals Committee for assistance.

**2.4** The Chief Public Defender, Contract Manager, ~~and~~ Training Coordinator, and Conflict Coordinator will confer with each other about the availability of experts or other options relating to costs in cases without reference to the specifics of any case.

### **3.0 CLOSING**

Questions about this policy should be directed to OPD at the following address:

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